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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 11 4617 JCS
WORKERS, et al.,)	
Plaintiffs,)	
vs.)	STIPULATION TO SET
ORSON MECHANICAL CO., INC., etc.,)	ASIDE DEFAULT AND
Defendant.)	FOR JUDGMENT

IT IS HEREBY STIPULATED and agreed by and between Plaintiffs
BOARDS OF TRUSTEES OF THE SHEET METAL WORKERS LOCAL 104 HEALTH CARE
TRUST, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA, SHEET
METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; BRUCE WORD,
TRUSTEE, through their attorneys, and defendant, ORSON MECHANICAL CO.
INC., a California corporation, that the default be set aside and that
plaintiffs have and recover judgment from Defendant in the amount of
\$17,937.64, which is composed of the following:

1. Contributions due and unpaid to Plaintiff Trust Funds
for the January through March 2011 Quarter and April through June 2011
Quarter for Local #104 Schedule 2 Health Care in the amount of
\$3,674.06;

1 2. Liquidated damages due and unpaid to the Plaintiff
2 Trust Funds for the months of May 2011 through January 2012 and for
3 the Schedule 2 Health Care shortages in the amount of \$13,731.58;

4 3. Interest on the declining balance to be computed upon
5 full payment of the contributions due; and

6 4. Costs in the amount of \$532.00.

7 IT IS FURTHER STIPULATED and agreed by the parties hereto
8 that an abstract of judgment will be recorded but execution will not
9 issue on the judgment so long as defendant fully complies with the
10 following conditions:

11 1. Defendant shall make payments of all ongoing amounts
12 to become due to the SHEET METAL WORKERS OF NORTHERN CALIFORNIA TRUST
13 FUNDS pursuant to contract between defendant and Local Union 104 of
14 the Sheet Metal Workers' International Association for hours worked
15 by defendant's employees, commencing with payment for February 2012
16 hours due on or before March 20, 2012 and continuing until the full
17 amount of this judgment is paid. Each of said payments will be made
18 by check payable to SHEET METAL WORKERS TRUST FUNDS and sent to the
19 Benesys.

20 2. Defendant shall pay the entire amount set forth in 1,
21 2, 3 and 4 above in equal monthly installments of \$3,000.00 commencing
22 on March 15, 2012 and continuing on the 15th day of each month
23 thereafter until the full amount is paid. Checks shall be made
24 payable to SHEET METAL WORKERS TRUST FUNDS and sent to the collection
25 attorney, ERSKINE & TULLEY, 3030 Bridgeway, Suite 231, Sausalito, CA
26 94965, Attention: Michael Carroll.

27 3. While payments are being properly made under this plan,
28 payments due under the settlement in C 09 2118 shall be stayed.

4. Plaintiffs and Defendant each understand and agree that any modification of payments must be made in writing and agreed to by both the Plaintiffs and the Defendant.

IT IS FURTHER STIPULATED AND AGREED by the parties hereto that upon failure of the Defendant to make any of it's monthly contribution payments pursuant to the collective bargaining agreement as set forth in paragraph 1 above, and the monthly installment payments in a timely manner as required pursuant to the terms of paragraph 2 of this stipulation, execution on the entire judgment reduced by any offsets for payments made, shall issue only after ten (10) days written notice to the Defendant that Plaintiffs or Plaintiffs' attorney declares a default and intends to file a Declaration stating that a default has occurred on the part of the defendant. Defendant waives notice of any hearing held by the court upon the earlier execution of this judgment or Plaintiffs' declaration.

Dated: March 21, 2012

ERSKINE & TULLEY

By: /s/ Michael J. Carroll
Michael J. Carroll
Attorneys for Plaintiffs

Dated: April 2, 2012

ORSON MECHANICAL CO. INC.,
a California corporation

By: /s/ Orson K. Poon
Orson K. Poon, President

APPROVED AS TO FORM:

SWEENEY, MASON, WILSON & BOSOMWORTH

Dated: 4/16/12

By: /s/ Roger M. Mason
Roger M. Mason
Attorney for Defendant

